## FINDINGS OF FACT AND CONCLUSIONS OF LAW

\* \* \* \* \* \* \* \* \* \*

The Petitioners herein request a variance from Section 1802.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a rear yard setback of 12 ft. in lieu of the required 30 ft. for an addition, as more particularly described on Petitioners' Exhibit No. 1.

The Petitioners having filed a Petition for Residential Variance and the subject property having been posted and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the tile to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Zoning Commissioner, the information, pictures, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 22 day of 200, 1991 that the Petition for a Zoning Variance from Section 1802.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a rear yard setback of 12 ft. in lieu of the required 30 ft. for an addition, in accordance with Petitioners' Exhibit No. 1, is hereby GRANTED, subject, however, to the following restriction which are conditions precedent to the relief granted herein:

1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

> LAWRENCE E. SCHMIDT Zoning Commissioner for Baltimore County

LES/mmn

AFFIDAVIT IN SUPPORT OF RESIDENTIAL ZONING VARIANCE

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of

Baltimore County, as follows: That the information herein given is within the personal knowledge of the Affiant(s) and Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made onth in due form of last that the matters and facts bereinshove set forth are true and correct to the heat of him/hms/their knowledge and helief.

AS WITHERS my bend and Notarial Seel.

ZONING DESCRIPTION

Comment of the second

Beginning at a point on the west side of Stengel Avenue which is 40' wide at the distance of 70' south of the centerline of the nearest improved intersecting street Kimmel Avenue which is 40' wide. Being Lots 75 - 81 in the subdivision of Kimberly Farms as recorded in Baltimore County Plat Book #7, Folio #177 containing 9600 square feet or .22 acres. Also known as 1404 Stengel Avenue and located in the 12th Election District, and /th Councilmanic District

Baltimore County Government Zoning Commissioner Office of Planning and Zoning

111 West Chesapeake Avenue Towson, MD 21204

1404 Stengel Avenue

Mr. John P. McKinney Mrs. Irene McKinney

Baltimore, Maryland 21222 RE: Petition for Residential Zoning Variance Case No. 92-196-A

Dear Mr. McKinney and Mrs. McKinney:

Enclosed please find the decision rendered in the above captioned case. The Petition for Residential Variance has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

> Lawrence E. Schmidt Zoning Commissioner

December 11, 1991

887 3353

LES:mmn encl.

ZOHING DEPARTMENT OF BALTIMORE COUNTY 97-196- A

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Zoning Commisiones
County Office Building
111 West Chesapeake Avenue

Account: R-001-6150

Hem H9200227

PRICE. PUBLIC HEARING FEES \$35.00 010 -ZONING VARIANCE (IRL) 080 -POSTING SIGNS / ADVERTISING 1 X \$25.00

11/07/91

TOTAL SADA HOOSINICHRC LAST NAME OF OWNER & MCKINNEY PA CO11:35AM11-07-91

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

of the Zoning Regulations of Beltimore County, to the Zoning Law of Beltimore County, I John P. Mykinney Grandson Musi Move To Said Property, With Mytamily of 3 Daughters

+ Fiancia. To Care for My (AUND) I rene McKinney Whom is Handicaped.

She Requires Physical Emotional And Financial Care As Soon As Possible.

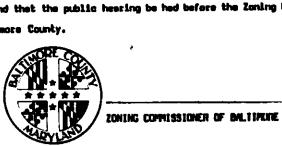
Only Possible place to put 4 Bedrooms + 13 Baths is @ Roar of House.

PETITION FOR RESIDENTIAL VARIANCE

Property is to be advertised and/or posted as prescribed by Zoning Regulations. I, or we, agree to pay expenses of the above Varience posting and, if necessary, advertising, upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

| I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition. |
|--|
| Legal Owner(a):  I (eNC MCKinne)  (inpa ar Print Ham)  Signature  This P. McKinney  (inpl or Print Ham)  Mount  Signature                                    |
| Address MD 2122 Promo City/State/21p Code  |
| Name, address and phone number of legal owner, contract purchaser or representative to be contacted.   |
| nty, this $\frac{7}{NOV}$ , 19 $\frac{97}{NOV}$ , that the subject matter of this day of $\frac{NOV}{NOV}$ , 19 $\frac{97}{NOV}$ .                           |

ZONING COPPLESSIONER OF BALTIPONE COUNTY



887-3353

Baltimore County Government Office of Zoning Administration and Development Management Office of Planning & Zoning

November 22, 1991

Mr. & Mrs. John P. McKinney

RE: Item No. 227, Case No. 92-196-A Petitioner: John P. McKinney, et ux Petition for Residential Variance

Dear Mr. & Mrs. McKinney:

1404 Stergel Avenue

Baltimore, MD 21222

111 West Chesapeake Avenue

Towson, MD 21204

petition be posted on the property on or before the

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a review by Zoning personnel.

Zoning Plans Advisory Committe Coments Date:November 22, 1991

Anyone using this system should be fully aware that they are responsible for the accuracy and completeness of any such petition. All petitions filed in this manner will be reviewed and commented on by Zoning personnel prior to the hearing. In the event that the peition has not been filed correctly, there is always a possibility that another hearing will be required or the Zoning Commissioner will deny the petition due to errors or imcompleteness.

3) Attorneys and/or engineers who make appointments to file petitions on a regular basis and fail to keep the appointment without a 72 hour notice will be required to submit the appropriate filing fee at the time future appointments are made. Failure to keep these appointments without proper advance notice, i.e. 72 hours, will result in the loss of filing fee.

Zoning Plans Advisory Committee

Enclosures

BALTIMORE COUNTY, MARYLAND INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: November 20, 1991 Zoning Administration and Development Management

FROM: Robert W. Bowling, P.E.

Zoning Advisory Committee Meeting for November 19, 1991

The Developers Engineering Division has reviewed the subject coming items and we have at comments for Items 222, 223, 227 and 228.

For Items 183 and 225, County Review Group Meetings may be required for these sites.

For Item 224, the owner is cautioned that there is an existing 10-foot drainage and utility easement along the west property line and that no permanent structures are allowed in County rights-of-ways. A 70-foot unit on this lot will encroach on either the 10-foot or 15-foot side yard line shown on the plat.

> ROBERT W. BOWLING, P.E., Chief Developers Engineering Division

Baltimore County Government Office of Zoning Administration and Development Management Office of Planning & Zoning 

111 West Chesapeake Avenue Towson, MD 21204

887-3353

Your petition has been received and accepted for filing this 7th day of November, 1991.

Petitioner: John P. McKinney, et ux Petitioner's Attorney:

663

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

November 21, 1991 Zoning Staff

James E. Dyer Zoning Supervisor

SUBJECT: Special Hearing Cases (without a specific location)

This memo is being circulated for informational purposes only. Special Hearing cases for which there is no specific location, address, or district cannot be recorded among zoning records, i.e. zoning maps, dockets, and card indexes as other cases normally are. A copy of one such Zoning Order which could not be found during an extensive search of the records was stumbled across in a file in my office. Once the case number was known, it was determined that a little known card file for these cases does exist.

This file is located in the card file cabinet in the map vault at the end of the drawer of alphabetical listings under the heading of "Special Hearings - Interpreted" (The outside of the drawer is marked "Special Hearings - No Location.

In the instant case, we were looking for a special hearing concerning Pace Warehouse. This file was readily found once we knew where to look.

JED:cer

BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE

DATE: November 25, 1991 Arnold Jablon, Director Zoning Administration and Development Management

Pat Keller, Deputy Director Office of Planning and Zoning

SUBJECT: Tracy/Martin Property, Item No. 219
Bonnie View Country Club, Item No. 210
McKinney Property, Item No. 227

In reference to the Petitioners' request, staff offers no comments.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/rdn ITEM219/TXTROZ

BUREAU OF TRAFFIC ENGINEERING DEPARTMENT OF PUBLIC WORKS BALTIMORE COUNTY, MARYLAND

DATE: December 2, 1991

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Mr. Arnold Jablon, Director Office of Zoning Administration and Development Management

a-196-4 12-9

Rahee J. Famili

SUBJECT: Z.A.C. Comments

and 228.

RJF/lvd

Z.A.C. MEETING DATE: November 19, 1991

This office has no comments for item numbers 183, 222, 223, 224, 227

Traffic Engineer II

92-196 #

**Baltimore County Government** Fire Department

(301) 887-4500

NOVEMBER 25, 1991

Arnold Jablon Director Zoning Administration and Development Management Baltimore County Office Building Towson, MD 21204

700 East Joppa Road Suite 901 Towson, MD 21204-5500

RE: Property Owner: JOHN P. MCKINNEY

#1401 STENGEL AVENUE Location: Zoning Agenda: NOVEMBER 19, 1991 Item No.: 227

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

Planning Group Special Inspection Division

JP/KEK

93-196-XA 1-20-93 BALT ORE COUNTY, MARY AND

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

DATE: January 13, 1993 Mr. Arnold Jablon, Director Zoning Administration and Development Management

FROM: J. Lawrence Pilson Development Coordinator, DEPRM

Zoning Item #205 64 Frederick Road Zoning Advisory Committee Meeting of December 28, 1993

The Department of Environmental Protection and Resource Management offers the following comments on the above referenced zoning item.

Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains.

LP:sp

FREDER/TXTSBP

